IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 57 OF 2007

IN

NOTICE OF MOTION NO.3837 OF 2005

IN

L.C.SUIT NO. 3604 OF 2005

Mahant Mataprasad Singh ... Appellant

Vs.

The Municipal Corporation for

Greater Mumbai & Anr. ... Respondents

Mr. S.C. Singh for G.C. Singh for the appellant.

Mr. Malandkar for B.M.C.

CORAM: A.M.KHANWILKAR,J.

DATE : 2nd February,2007.

P.C.

1. Heard Counsel for the parties.

2. In my opinion, there is no infirmity either in the approach or the conclusion reached by the Court below. The Court below has rightly adverted to the different documents produced by the City Survey Officer which clearly indicated that the first floor and the extension part have been put up after the datumline.

Besides, the height of the first floor is not in conformity with the extant regulations and cannot be tolerated. If this is so, there is no reason to interfere with the conclusion reached by the Court below. Hence, dismissed. --

(A.M.KHANWILKAR,J.)